



UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,576	10/31/2003	Sara A. Kerner	070602-0400	1577
31824	7590	07/12/2007	EXAMINER	
MCDERMOTT WILL & EMERY LLP 18191 VON KARMAN AVE. SUITE 500 IRVINE, CA 92612-7108			PATEL, SHAMBHAVI K	
		ART UNIT	PAPER NUMBER	
		2128		
		MAIL DATE	DELIVERY MODE	
		07/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/699,576	KERNER ET AL.
	Examiner	Art Unit
	Shambhavi Patel	2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 April 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

Art Unit: 2128

DETAILED ACTION

1. This Office Action is in response to the Amendments/Arguments submitted 17 April 2007.
2. Claims 1-28 have been presented for examination. Claims 21-28 are newly added.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 1, 3-5, 7-9, 10-12, 14-15, 17-18, 21-25 and 27-28 are rejected under 35 U.S.C. 102(e)**
as being clearly anticipated by Ralston (US Pub. No. 2003/0014212).

Regarding claims 1 and 27:

Ralston discloses a visualization system for a computer system including:

- a. a positioning portion (**figure 4a head position 405 renderer 400; [0057]**) configured to determine a position of a viewer with respect to a real world (**figure 7; [0068]**) and a position of the viewer with respect to a virtual world (**figure 8; [0070]**), the positioning portion configured to allow the viewer to interact with the virtual world (**figure 14; [0076]**)

Art Unit: 2128

- b. a modeling portion configured to specify the virtual world in response to a model of the virtual world (**figure 1 renderer 400; [0057]**)
- c. a model specification portion configured to specify a representation of satellite status data in response to the position of the viewer with respect to the virtual world and in response to the satellite status data (**figure 25; [0090]-[0091]**)
- d. an output portion configured to provide an image of the virtual super-imposed on an image of the real world, the image of the virtual world including the representation of the satellite status data to the viewer in response to the position of the viewer with respect to the virtual world (**figure 25; [0090]-[0091]; figure 27 output to 465**)

Regarding **claim 27**, the “object” in this claim is equivalent to the “satellite” in claim 1.

Regarding claims 3 and 10:

Ralston discloses the visualization system of claim 1 wherein the model of the virtual world is a multi-dimensional model of the virtual world ([0100]), and the output portion in a multi-dimensional output portion (**[0062] real-world output presented in form of see through glasses, which is 3D**).

Regarding claims 4, 11, 17 and 28:

Ralston discloses the visualization system of claim 1 wherein the representation of the satellite data comprises a representation of the current position (**figure 25; [0038]**).

Regarding claims 5, 12 and 18:

Ralston discloses the visualization system of claim 1 wherein the three-dimensional output portion comprises a heads-up pair of glasses (**figure 4B headset 465; [0058]; figure 9; [0071]**).

Regarding claims 7 and 14:

Ralston discloses the visualization system of claim 5 wherein the heads-up pair of glasses area also configured to allow the viewer to view the image of the virtual world super-imposed on the image of the real world (**[0057] real world field of view augmented with virtual objects**).

Regarding claim 8:

Ralston discloses a method for visualization of augmented reality, the method comprising:

- a. determine a position of a viewer with respect to a real world (**figure 7; [0068]**) and a position of the viewer with respect to a virtual world (**figure 8; [0070]**), the positioning portion configured to allow the viewer to interact with the virtual world (**figure 14; [0076]**)
- b. determining a model of the virtual world (**figure 7 steps 720 and 725**).
- c. specify a representation of satellite status data in response to the position of the viewer with respect to the virtual world and in response to the satellite status data (**figure 25; [0090]-[0091]**)
- d. displaying to the viewer a representation of the virtual world super-imposed on a representation of the real world (**[0057] real world field of view augmented with virtual objects**), the representation of the virtual world including the representation of the satellite status data in response to the position of the viewer with respect to the virtual world (**figure 25; [0090]-[0091]**).

Regarding claim 15:

Ralston discloses a visualization method for a computer system comprising:

Art Unit: 2128

- a. displaying to a viewer a representation of a real world overlaid with a representation of a virtual world (**[0057] real world field of view augmented with virtual objects**), the representation of the virtual world including the representation of the satellite status data (**figure 25; [0090]-[0091]**).
- b. wherein the representation of the virtual world is determined in response to the model of the virtual world (**figure 7 steps 720 and 725**) and in response to a position of the viewer with respect to the virtual world (**figure 7; [0068]; figure 8; [0070]**).
- c. wherein the representation of the satellite status data is determined in response to satellite status data, and in response to a position of the viewer with respect to the virtual world (**figure 25; [0090]-[0091]**).
- d. wherein the viewer is allowed to interact with the virtual world (**figure 14; [0076]**)

Regarding claims 21-23:

Ralston discloses providing the representation of the real world and the virtual world (and superimposing the virtual world on the real world) in real time (**[0055]; [0057]**).

Regarding claim 24:

Ralston discloses allowing the viewer to select a satellite or geographic area (**[0091]**).

Regarding claim 25:

Ralston discloses allowing the viewer to directly select and manipulate objects in the virtual world without using a mouse (**[0061]**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 2, 6, 9, 13, 16, 19, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston (US Pub. No. 2003/0014212) in view of Kato ("Virtual Object Manipulation on a Table-Top AR Environment", 2000).**

Regarding claims 2, 9 and 16:

Ralston does not explicitly disclose the use of pre-determined markers in the real world. Kato teaches an augmented reality system including:

Art Unit: 2128

- a. an image acquisition source configured to capture at least an image comprising an image of the real world (**Kato: section 3 4th paragraph “users...see the real world through the video camera; section 4.1**), and an image of at least a pre-determined marker positioned in the real world (**Kato: section 3 4th-5th paragraphs: real cards labeled with tracking markers, and computer vision techniques are used to find the tracking mark**)
- b. an image processing portion configured to determine the position of the viewer with respect to the real world in response to the image of the pre-determined marker (**s Kato: section 3 4th paragraph determine the exact pose of the head mounted camera relative to the tracker; section 4.1**)
- c. virtual positioning portion configured to translate the position of the viewer in the real world to the position of the viewer in the virtual world (**Kato: section 3 4th paragraph once the position of the real camera is known, virtual image can be exactly overlaid on it; section 4.1**)

At the time of the invention, it would have been obvious to one of ordinary skill in the arts to combine the teachings of Ralston and Kato because the interface of Kato provides accurate tracking and registration techniques and an intuitive and useful interface (**Kato: abstract**).

Regarding claims 6 and 13:

Kato teaches the visualization system of claim 2 wherein the image acquisition source (a video camera) is physically coupled to the heads-up pair of glasses (section 3 1st paragraph “people...wear Olympus HMDs with cameras attached”**).**

Regarding claim 19:

Art Unit: 2128

Ralston does not explicitly disclose the use of pre-determined markers in the real world. Kato teaches an augmented reality system including displaying to the viewer a portion of the virtual selected by the viewer wherein the viewer selection is determined in response to a position of the a viewer-controlled marker with respect to the virtual world, wherein the marker is positioned in the real world (Kato: section 3). At the time of the invention, it would have been obvious to one of ordinary skill in the arts to combine the teachings of Ralston and Kato because the interface of Kato provides accurate tracking and registration techniques and an intuitive and useful interface (**Kato: abstract**).

Regarding claim 20:

Kato discloses the visualization method of claim 19, wherein the step of displaying to the viewer the portion of the virtual world selected by the viewer comprises overlaying an icon over the portion of the virtual world displayed to the viewer (Kato: section 3).

Regarding claim 26:

Ralston does not explicitly disclose the use of pre-determined markers in the real world. Kato teaches an augmented reality system including a marker positioned in the real world, the marker is static or placed upon a paddle that included a pre-defined visual marker in the real world, and the paddle is capable of being moved around the real world (Kato: sections 3 and 4). At the time of the invention, it would have been obvious to one of ordinary skill in the arts to combine the teachings of Ralston and Kato because the interface of Kato provides accurate tracking and registration techniques and an intuitive and useful interface (**Kato: abstract**).

Conclusion

6. **Examiner's Remarks:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shambhavi Patel whose telephone number is (571) 272-5877. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP


KAMINI SHAH
SUPERVISORY PATENT EXAMINER